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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

MSB-7273-D1

In re Application of: ARMEN B. SHANAFELT  
Application No.: 10/826,809  
Filed: 04/17/2004  
For: BAYER PHARMACEUTICALS CORPORATION

The owner, BAYER PHARMACEUTICALS CORP. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6955,807 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 44,892

John W. Mahoney  
Signature

3-1-2006  
Date

JOHN W. MAHONEY  
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